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Internal Docket No. PD980062

**Remarks/Arguments**

Claims 9-15 are pending. No amendment is made to the claims filed July 20, 2005. Claims 9-11 are allowed.

**Rejection of claims 12-15 under 35 USC 101 as being directed to non-statutory subject matter.**

Applicants submit that for the reasons discussed below present claims 12-15 are directed to statutory subject matter.

The examiner asserts that claims 12 and 13 relate to non-functional descriptive material that fails to disclose a useful, concrete, and tangible result. Applicants respectfully disagree and submit that claims 12 and 13 recite functional descriptive material.

Claim 12 is directed to a storage medium that contains pieces of a bitstream and an address table that assigns time information to the pieces. Specifically, claim 12 recites that "... to each address table entry for said pieces a delta time duration value is assigned in said address table and to each delta time duration value a running index is assigned ... wherein all delta time duration values up to the nearest time duration value for the piece having said target address can be accumulated and the corresponding running index for the delta time duration entry related to said nearest time duration value can be multiplied by said constant bit number **in order to compute a target piece address value** on said storage medium. (emphasis added)" Clearly the bitstream and the address table contained in the storage medium constitute a data structure, wherein a functional interrelationship between elements of the bitstream and the address table is used to derive a useful, concrete, and tangible result, that is, a target piece address value.

Clearly, the above constitutes functional descriptive material. See MPEP §2106 (IV)(B)(1) "... In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).)"

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Also, **computer readable medium having functional descriptive material encoded thereon constitutes statutory subject matter.** See MPEP §2106 (IV)(B)(1) "... When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). (emphasis added)" See also MPEP §2106 (IV)(B)(1)((a)) "... In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory."

Furthermore, the mere fact that a claim includes non-functional descriptive material does not automatically render the claim non-statutory. See MPEP §2106 (IV)(B)(1)((b)) "...Nonfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. 101. The presence of the claimed nonfunctional descriptive material is not necessarily determinative of nonstatutory subject matter. For example, a computer that recognizes a particular grouping of musical notes read from memory and upon recognizing that particular sequence, causes another defined series of notes to be played, defines a functional interrelationship among that data and the computing processes performed when utilizing that data, and as such is statutory because it implements a statutory process."

In view of the above, applicants submit that claim 12 recites a data structure that constitutes functional descriptive material, and thus, constitutes statutory subject matter.

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Claims 13-15 similarly recite a storage medium containing bitstreams and address table. Furthermore, claim 13 recites a memory storing an address table and means for calculating the value for a target piece address. These elements operate on the data structure contained in the storage medium to produce a concrete, tangible and useful result. Thus, claims 13-15 are believed to recite statutory subject matter for at least the same reasons as those discussed above.

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Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,  
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